

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

WALL WIRELESS, LLC,

Plaintiff

vs.

NINTENDO CO., LTD. et al. ,

Defendant.

§
§
§
§
§
§
§
§
§
§

NO. 6:09-CV-0064

JURY TRIAL DEMANDED

JOINT MOTION TO DISMISS

Plaintiff Wall Wireless, LLC (“Wall”) and Defendants Nintendo Co., Ltd. and Nintendo of America Inc. (“Nintendo”) (collectively, the “Parties”) hereby jointly move the Court to dismiss, with prejudice, Wall’s claims of infringement concerning U.S. Patent No. 6,640,086, (the “’086 patent”) and Nintendo’s responsive declaratory judgment counterclaims regarding the non-infringement, invalidity and unenforceability of the same patent.

This case is stayed pending the *inter partes* reexamination of the ’086 patent. The reexamination recently concluded with a reexamination certificate cancelling all of the claims that Wall had asserted were infringed by Nintendo. Accordingly, Wall and Nintendo have agreed to dismissal with prejudice of the Parties’ claims and counterclaims. Therefore, the Parties respectfully ask the Court to grant the Proposed Order of dismissal submitted herewith.

Dated: May 15, 2014

Respectfully submitted,

/s/ Tyler C. Peterson

Jerry A. Riedinger, *pro hac vice*
Lead counsel
Tyler C. Peterson, *pro hac vice*
Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099

ATTORNEYS FOR DEFENDANT
Nintendo Co., Ltd. and Nintendo of America
Inc.

/s/ Richard Zembek (with permission)

Richard Zembek, TBN 00797726
Fulbright & Jaworski LLP
Fulbright Tower
1301 McKinney, Suite 5100
Houston, TX 77010-3095

ATTORNEYS FOR PLAINTIFF
Wall Wireless LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via electronic mail on May 15, 2014. Any other counsel of record will be served by first class mail on this date.

/s/ Tyler C. Peterson

Tyler C. Peterson